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April 29, 2021

VIA CM/ECF

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Associated Newspapers Ltd. et al. v. Google LLC et al.*, No. 1:21-cv-03446-PKC

Dear Judge Castel:

I write on behalf of Defendants Google LLC and Alphabet Inc. (“Defendants”) in the above-referenced case. Pursuant to your Individual Practices Rule 1(B), Defendants submit this letter requesting an extension of time to respond to Associated Newspapers (U.S.A.) Ltd.’s and Mail Media, Inc.’s (“Plaintiffs”) Complaint. The deadline for Defendants’ response to Plaintiffs’ Complaint is currently May 12, 2021. ECF Nos. 10-11. For the reasons set forth below, Defendants respectfully request a 60-day extension of time to respond (July 12, 2021). The Initial Pretrial Conference in this matter has been set for June 14, 2021, ECF No. 9, and pursuant to your Individual Practices Rule 1(B), Defendants also respectfully request to adjourn the Initial Pretrial Conference to a date at the Court’s convenience on or after July 26, 2021. Defendants have not previously sought any extensions in this case.

Defendants require more than the default 21 days after service to analyze and respond to the lengthy Complaint in this case. The technology at issue is complex and often misunderstood, and the legal theories are novel. The Complaint is sixty pages long and includes five separate counts alleging violations of federal antitrust laws and New York state and common law.

Moreover, Defendant Google LLC¹ (“Google”) is now facing over 20 separate antitrust cases based on its advertising technology across the country, including cases brought by state attorneys general, publishers, advertisers, and even Facebook advertisers. *See* Appendix A. This case is one of 13 cases brought by newspaper publishers around the country asserting largely the same claims. The other seven cases also share many of the same allegations regarding the same Google

¹ Defendant Alphabet Inc. is also named in certain of these cases.

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products and services and the same alleged conduct. In light of these significant overlaps, Google expects to petition the Judicial Panel on Multidistrict Litigation to transfer and centralize these cases in the Northern District of California, where the greatest number of cases are pending. Google may also move to transfer certain of these cases to the Northern District of California under 28 U.S.C. § 1404. In light of the strong possibility that this case (and the many others) will become part of an MDL or other coordinated proceeding, Defendants' requested 60-day extension to respond to the Complaint will allow all parties and the Court to be in a better position to know where this case will be going forward. Adjourning the Initial Pretrial Conference and discussion of a Civil Case Management Plan & Scheduling Order until after resolution of these threshold venue issues will also save judicial and party resources.

Defendants sought Plaintiffs' consent to the requested extension, but Plaintiffs would only consent on the condition that Defendants agree to open up discovery now, starting with Google producing documents that Plaintiffs mistakenly believed Google had already produced in the state attorneys general case pending in the Eastern District of Texas. Defendants corrected Plaintiffs' misunderstanding, explaining that they have not produced any documents in that case or in any of the pending related cases. Defendants do not believe commencing discovery is appropriate at this early juncture—prior to the resolution of the aforementioned transfer issues and before Defendants have even responded to the Complaint—as it is far from settled whether and where this case will be proceeding. Nor is it appropriate to give one set of plaintiffs an advantage over others in terms of the timing of discovery.

For the foregoing reasons, Defendants respectfully request that the Court grant Defendants' request for a 60-day extension to respond to Plaintiffs' Complaint, and adjourn the Initial Pretrial Conference to a date at the Court's convenience on or after July 26, 2021.

Thank you for the Court's attention to this matter and consideration of these requests.

Respectfully submitted,

s/ Jonathan M. Jacobson

Jonathan M. Jacobson

*Counsel for Defendants
Google LLC and Alphabet Inc.*

cc: All Counsel of Record (via CM/ECF)

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APPENDIX A

1. *Associated Newspapers Ltd. and Mail Media, Inc. v. Google LLC and Alphabet Inc.*, No. 1:21-cv-03446 (S.D.N.Y.)
2. *In re Google Digital Advertising Antitrust Litig.*, No. 5:20-cv-03556-BLF (N.D. Cal.) [consolidated]
3. *In re Google Digital Publisher Antitrust Litig.*, No. 5:20-cv-08984-BLF (N.D. Cal.) [consolidated]
4. *Negron v. Google LLC*, No. 4:21-cv-00801-HSG (N.D. Cal.)
5. *Organic Panaceas, LLC v. Google, LLC and Alphabet Inc.*, No. 4:21-cv-02629 (N.D. Cal.)
6. *Texas v. Google, LLC*, No. 4:20-cv-00957-SDJ (E.D. Tex.)
7. *AIM Media Texas Operating, LLC v. Google, LLC and Facebook, Inc.*, No. 7:21-cv-00150 (S.D. Tex.)
8. *Cliffy Care Landscaping LLC v. Facebook et al.*, No. 1:21-cv-00360 (D.D.C.) [consolidated]
9. *Clarksburg Publishing Company, d.b.a. WV News v. Google, LLC and Facebook, Inc.*, No. 1:21-cv-00051-IMK (N.D. W. Va.)
10. *HD Media Company, LLC v. Google LLC*, No. 3:21-cv-00077 (S.D. W. Va.)
11. *ECENT Corp. v. Google, LLC and Facebook, Inc.*, No. 5:21-cv-00251 (S.D. W. Va.)
12. *AIM Media Indiana Operating, LLC v. Google, LLC and Facebook, Inc.*, No. 1:21-cv-00951-JPH-DLP (S.D. Ind.)
13. *AIM Media Midwest Operating, LLC v. Google, LLC and Facebook, Inc.*, No. 2:21-cv-01915-MHW-KAJ (S.D. Ohio)
14. *Brown County Publishing Company, Inc. and Multi Media Channels LLC v. Google, LLC and Facebook, Inc.*, No. 1:21-cv-00498 (E.D. Wis.)
15. *Flag Publications, Inc. v. Google, LLC and Facebook, Inc.*, No. 1:21-cv-00965-SAG (D. Md.)
16. *Gale Force Media, LLC v. Google, LLC and Facebook, Inc.*, No. 2:21-cv-09716-WJM-ESK (D.N.J.)
17. *Coastal Point LLC v. Google LLC and Facebook, Inc.*, No. 1:21-cv-00554-LPS (D. Del.)
18. *Emmerich Newspapers Inc. et al. v. Google, LLC and Facebook, Inc.*, No. 3:21-cv-00274-HTW-LGI (S.D. Miss.)
19. *Journal, Inc., v. Google, LLC and Facebook, Inc.*, No. 1:21-cv-00072-GHD-RP (N.D. Miss.)
20. *Eagle Printing Company v. Google, LLC and Facebook, Inc.*, No. 2:21-cv-00518-MPK (W.D. Penn.)